

MISSOURI COURT OF APPEALS WESTERN DISTRICT

ST. LOUIS COUNTY, MISSOURI, et al.,

Respondents,

v.

STATE OF MISSOURI, et al.,

Appellants.

DOCKET NUMBER WD78764

Date: March 8, 2016

Appeal from:
Cole County Circuit Court
The Honorable Patricia S. Joyce, Judge

Appellate Judges:
Division One: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Gary D. Witt, Judges

Attorneys:
Robert L. Presson, Jefferson City, MO for appellant.
Cynthia L. Hoemann, St. Louis for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

COURT OF APPEALS -- WESTERN DISTRICT

ST. LOUIS COUNTY, MISSOURI, et al.

v.

STATE OF MISSOURI, et al.,

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Appellants.

WD78764

Cole County

Before Division One: Lisa White Hardwick, Presiding Judge, Victor C. Howard and Gary D. Witt, Judges

The State of Missouri, the Missouri Department of Public Safety, the Director of the Missouri Department of Public Safety, and the Missouri Sheriffs Methamphetamine Relief Taskforce (collectively, "the State") appeal the circuit court's grant of summary judgment in favor of the Superintendent of Police of St. Louis County ("the Superintendent") on the Superintendent's petition for a judgment declaring him eligible to apply for and receive Deputy Sheriff Salary Supplementation Fund grants for the years 2013 to the present. The State contends the circuit court's judgment incorrectly applies the law, contradicts the Supreme Court's prior ruling in the case, and violates sovereign immunity.

AFFIRMED IN PART AND REVERSED IN PART.

Division One holds:

(1) The circuit court did not err in ordering the Missouri Sheriffs Methamphetamine Relief Taskforce ("MoSMART") to reconsider the Superintendent's applications for Fund grants for the 2013, 2014, and 2015 fiscal years. Once the court

determined that the basis for MoSMART's denial of the 2013 grant application was unlawful and unreasonable, Section 536.150.1, RSMo Cum. Supp. 2013, gave the court the authority to remand the case back to MoSMART for further consideration of the 2013 grant application and any subsequent grant applications denied on the same basis.

(2) The circuit court erred in ordering MoSMART to award grant funds to St. Louis County licensed peace officers. This order infringed upon MoSMART's discretion and was contrary to Section 536.150.1 and the law of the case as stated in *St. Louis County. v. State*, 424 S.W.3d 450, 453 (Mo. banc 2014).

(3) Our holding that the circuit court erred in directing MoSMART to award grant funds to the Superintendent moots the State's sovereign immunity challenge to that award. The State's sovereign immunity challenge to the court's assessment of costs against the State is meritorious because there is no statute authorizing the assessment of costs in this case.

(4) The circuit court did not err in finding that the Superintendent is a "sheriff" within the meaning of Section 57.278.1 and is, therefore, eligible to file applications for grants from the Fund.

Opinion by: Lisa White Hardwick, Judge

March 8, 2016

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